

## **REMARKS**

### **I. INTRODUCTION**

Claims 1-12 are pending in the Application.<sup>1</sup> The Applicants would like to thank the Examiner for the indication of allowable subject matter in claims 3-6 and 8-10. By this Amendment, paragraph 0021 on pages 12-13 of the disclosure is amended in response to the drawing objection presented in the Office Action. In view of the following Remarks, the Applicants respectfully submit that the Application is in condition for allowance and respectfully solicit a notice stating the same. Prompt reconsideration is respectfully requested.

### **II. DRAWING OBJECTIONS**

On page 1 of the Office Action dated May 5, 2006, the drawings are objected to as failing to comply with 37 C.F.R. § 1.98(p)(5) because reference number “11” (shown in FIG. 1) is not recited in the written description. Accordingly, by this Amendment, paragraph 0021 on pages 12-13 of the disclosure is amended to include a recitation of such reference number “11” in reference to the “screw connection,” which serves to attach piston 2 on piston rod 3. Accordingly, the Applicants respectfully submit that the objection has been overcome. Reconsideration is respectfully requested.

### **III. CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

On pages 2-4 of the Office Action, claims 1, 2, 11, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,134,752 to Göhler et al. (Göhler). The rejection is respectfully traversed.

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<sup>1</sup> The Office Action Summary page of the Office Action dated May 5, 2006, states that “[c]laims 1-10 [sic] is/are pending in the application” (emphasis added). For purposes of making the record clear, the Applicants respectfully point out that claims 1-12 are pending and were, in fact, considered by the Examiner.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); *see* M.P.E.P § 2131. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). In this case, the Office Action fails to show that Göhler teaches or suggests each and every element in as complete detail as is contained in the claim. Specifically, the structure of the loading mechanism disclosed in Göhler does meet the clearly defined structure of at least claim 1. Furthermore, the categorical dismissal of the functional language recited in the last four lines of the claim 1 is improper.

Claim 1 recites:

A pressure cylinder, comprising:

a cylinder housing having one end including an opening;  
a piston axially displaceable within the cylinder housing;  
***a piston rod coupled to the piston and extending at least through the opening at the one end of the cylinder;***  
***a cylinder base closing off the cylinder at an end of the cylinder housing opposite the opening;***  
***a pressure chamber defined between the piston and the cylinder base*** and capable of being pressurized by a pressure medium; and

a switching disk for interacting with a switch to determine the position of the piston, ***the switching disk being displaceably positioned in the pressure chamber in frictional engagement and coaxially with the piston rod so that the switching disk passes to a starting position near the piston in response to a pressure impulse overcoming the frictional engagement when the pressure chamber is first pressurized.*** (emphasis added).

Thus, claim 1 requires an opening at one end of the cylinder (i.e., at a first end), through which the piston rod extends. Claim 1 also requires a cylinder base located at an end of the cylinder opposite the opening (i.e., at a second end, opposite the first end). A piston is recited as being axially displaceable within the cylinder, that is, between the first and second ends. Importantly, a pressure chamber is defined between the piston and the cylinder base and a switching disk is displaceably positioned in such pressure chamber. As noted in the written disclosure of the present application, this arrangement is important in assuring a defined starting position of the switching disk in all circumstances to prevent erroneous operational state determinations by the control unit. *See, e.g.*, paragraph 0014.

In contrast, Göhler shows and discloses the type of loading mechanism described in the background section of the present disclosure. The loading mechanism taught in Göhler is, therefore, susceptible during re-start to the positioning problems described in paragraphs 0007 and 0008 of the present disclosure. As shown in FIGS. 2 and 4, the loading mechanism of Göhler includes a cylinder 2 forming a cylinder space 21 in which a piston 3 is slidably disposed. The cylinder 2 includes a guide opening 23 at a first end of the cylinder 2 through which a piston rod 31 extends. A switch 71 in the form of an electrically conductive plate in sliding engagement with the piston rod 31. *See* column 6, lines 5-26. A close examination of the loading mechanism of Göhler, thus, reveals that the switch 71 is located in a space between the piston 3 and the first end of the cylinder 2 having opening 23 through which the piston rod 31 extends. Therefore, Göhler fails to teach or suggest each and every element in as complete detail as is contained in at least claim 1.

V. CONCLUSION

For the foregoing reasons, it is submitted that claims 1-12 are allowable and that the application is in condition for allowance. An early notice to that effect is respectfully requested.

It is not believed that extensions of time or other fees are required beyond those that may otherwise be provided for in documents accompanying this paper. If, however, additional extensions of time are needed to prevent abandonment of this application, such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims or any other fee deficiency), are hereby authorized to be charged, and any overpayments credited to, our Deposit Account No. 22-0261.

The Examiner is respectfully requested to contact Applicant's undersigned Representative if necessary to place the application in condition for allowance. Prompt reconsideration is respectfully requested.

Respectfully submitted,

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*for* Catherine M. Kinberg  
Robert Kinberg  
Registration No. 26,924  
Ryan M. Flandro  
Registration No. 58,094  
VENABLE  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Telephone: (202) 962-4800  
Telefax: (202) 962-8300

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